IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 893 OF 2007

IN

FIRST APPEAL NO. 933 OF 2006

Shridhar Shetty ... Appellant
(Org.Plaintiff)

Vs.

Hasib Shah & Anr. Respondents
(Org.Defendants)

Mr. G.S.Godbole i/b. M.V.Kini & Co. for the Appellant.

Mr. R.P.Roza for Respondent No..1.

CORAM: S.K.SHAH,J.

DATE : 13th April, 2007

P.C.

1. Heard Counsel on both sides.

2. There is a serious dispute about possession of the suit shop. From the reply which was given on behalf of the Respondent to the Application, it prima facie appears that the Applicant was in possession of the suit shop. The Applicant disputes that he has delivered

possession of the suit shop to the Respondent peace-fully. The allegation is that in his absence, his shop's lock was removed and the Respondent has put his own lock illegally with the help of police.

3. Under these circumstances, it is a fit case where the Receiver is required to be appointed.

Hence, the order :-

The Court Receiver is hereby appointed in respect of the suit shop. He shall take possession of the suit shop and call upon bids from the Applicant and the Respoondent and give the suit shop to the highest bidder for running it after fixing the royalty. This shall be subject to the final order in the Appeal.

The Application accordingly stands disposed of.

The Court Receiver to act on a copy of this Order duly authenticated by the Sheristedar of this Court.